

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO FILE MOTIONS TO
RESOLVE CLAIMS AGAINST NONSETTLING DEFENDANTS**

Plaintiffs respectfully request an additional ten (10) days, up through and including February 15, 2013, to file motions to resolve their claims against the two remaining defendants with whom Plaintiffs have not reached a settlement, Preferred Credit Corporation and United Mortgage C.B., L.L.C. In support of this motion, Plaintiffs state the following:

1. Plaintiffs have reached a settlement with every defendant remaining in this action with the exception of two defendants, Preferred Credit Corporation ("PCC") and United Mortgage C.B., L.L.C. ("UMCB"). Both defendants have been previously served with process in this action. However, PCC has never answered or responded to Plaintiffs' petition and claims and UMCB has failed to answer Plaintiffs' discovery requests and participate in this case since the Court permitted its counsel to withdraw on November 22, 2011, more than one year ago. (See Doc. No. 852).

2. The Court entered an Order that set February 5, 2013 as the deadline for Plaintiffs to file motions to resolve the claims against PCC and UMCB. Plaintiffs intend to file motions for default judgment and/or summary judgment against PCC and UMCB.

3. Due to the press of the settlements and other business, including but not limited to, Plaintiffs' continued efforts to resolve the claims against the remaining defendants through settlement,¹ Plaintiffs need additional time, up through and including February 15, 2013, in which to file their motion for default judgment and/or summary judgment against Defendants PCC and UMCB.

4. The instant request to extend the stated deadline is made in good faith and not for the purpose of delay. No party will be prejudiced by the proposed extension.

WHEREFORE, Plaintiffs, for good cause shown, respectfully move the Court for an Order extending the deadline for the filing motions to resolve their claims against the two remaining defendants with whom Plaintiffs have not reached a settlement, Preferred Credit Corporation and United Mortgage C.B., L.L.C., to February 15, 2013, and for any other relief the Court deems just and proper.

Dated: February 4, 2013

¹ For the past several months, Plaintiffs have been working diligently toward the resolution of their claims against the majority of the defendants in this case. Plaintiffs have filed motions to approve of seven (7) separate class action settlements in this case since October 31, 2012: (1) LaSalle Settlement Class (Doc. No. 792); (2) Impac Settlement Class (Doc. No. 795); (3) Advanta Settlement Class (Doc. No. 797); (4) Countrywide Settlement Class (Doc. No. 799); (5) JPMCB/CHF Settlement Class; (6) DBNTC Trusts Settlement Class; (7) Wendover Settlement Class. Plaintiffs are also currently working to finalize the settlement documents with Wilmington Trust Company and preparing the pleadings to seek approval of that settlement.

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By: /s/ Bruce V. Nguyen

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**ATTORNEYS FOR PLAINTIFFS
AND CLASS COUNSEL**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 4th day of February, 2013, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

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/s/ Bruce V. Nguyen